

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

ENVIRONMENTAL DEFENSE FUND, INC.,
Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

No. 82-2234

STATE OF NEW JERSEY, DEPARTMENT OF
ENVIRONMENTAL PROTECTION,
Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY and ANNE M. GORSUCH,
ADMINISTRATOR,

Respondents.

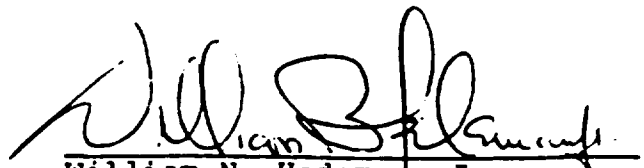
No. 82-2238

CERTIFIED INDEX TO THE RECORD

The Environmental Protection Agency (EPA) hereby certifies that the material listed below constitutes the complete record of EPA's revision of the National Oil and Hazardous Substances Contingency Plan published on July 16, 1982 (47 Fed. Reg. 31180), pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

By the Environmental Protection Agency:

In witness whereof I have hereunto subscribed my
name this 23rd day of November, 1982 in Washington, D.C.


William N. Hedeman, Jr.
Director, Office of Emergency
and Remedial Response

CERTIFICATE OF SERVICE

I, Lee C. Schroer, certify that copies of the foregoing Certified Index to the Record have been mailed, postage prepaid, this 24th day of November, addressed to:

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1-1	Volume 41, No. 60, 3/26/76. COUNCIL ON ENVIRONMENTAL QUALITY: ENVIRONMENTAL IMPACT STATEMENTS.	3/26/76
1-2	Volume 42, No. 203, 10/20/77. INTERIM REGULATIONS TO IMPLEMENT THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976.	10/20/77
1-3	Volume 43, No. 183, 9/20/78. STATE AND LOCAL ASSISTANCE, STATE MANAGEMENT ASSISTANCE GRANTS.	9/20/78
1-4	Volume 43, No. 186, 9/25/78. AMENDMENTS TO INTERIM GRANT REGULATIONS TO IMPLEMENT THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976.	9/25/78
1-5	Volume 43, No. 188, 9/27/78. STATE AND LOCAL ASSISTANCE, GRANTS FOR THE CONSTRUCTION OF TREATMENT WORKS.	9/27/78
1-6	Volume 43, No. 243, 12/18/78. HAZARDOUS WASTE PROPOSED GUIDELINES AND REGULATIONS AND PROPOSAL ON IDENTIFICATION AND LISTING	12/18/78
1-7	Volume 44, No. 94, 5/14/79. COUNCIL ON ENVIRONMENTAL QUALITY. NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN, PROPOSED REVISION.	5/14/79
1-8	Volume 44, No. 169, 8/29/79. WATER PROGRAMS; DETERMINATION OR REPORTABLE QUANTITIES FOR HAZARDOUS SUBSTANCES.	8/29/79
1-9	Volume 45, No. 55, 3/19/80. NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN, FINAL REVISION.	3/19/80
1-10	Volume 45, No. 98, 5/19/80. HAZARDOUS WASTE AND CONSOLIDATED PERMIT REGULATIONS, AND LISTING OF 1980-81 FEDERAL REGISTER NOTICES/RULES OF ACTIVITIES TO IMPLEMENT THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976.	5/19/80
1-11	Volume 45, No. 231, 11/28/80. WATER QUALITY CRITERIA DOCUMENTS, AVAILABILITY.	11/28/80
1-12	Volume 45, No. 249, 12/24/80. MAJOR ABANDONED HAZARDOUS WASTE SITES AND CHEMICAL SPILLS; CLEANUP; MEETING. CERCLA.	12/24/80
1-13	Volume 45, No. 249, 12/24/80. GUIDELINES FOR SPECIFICATIONS OF DISPOSAL SITES FOR DREDGED OR FILL MATERIAL.	12/24/80
1-14	Volume 46, No. 44, 3/6/81. NCP DRAFT REVISION MEETING.	3/6/81
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1-16	Volume 46, No. 66, 4/7/81. HAZARDOUS WASTE MANAGEMENT . SYSTEM; STANDARDS APPLICABLE TO OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES AND EPA ADMINISTERED PERMIT PROGRAMS, NOTICE OF PUBLIC HEARINGS.	4/7/81
1-17	Volume 46, No. 72, 4/15/81. HAZARDOUS SUBSTANCES; NOTIFICATION OF TREATMENT, STORAGE AND DISPOSAL FACILITIES	4/15/81
1-18	Volume 46, No. 83, 4/30/81. THE NCP DRAFT REVISION; MEETINGS. NOTICE OF PUBLIC MEETINGS ON THE DRAFT REVISION OF THE NCP	4/30/81
1-19	Volume 46, No. 94, 5/15/81. SUPERFUND CONTRACTING MEETINGS. NOTICE OF MEETINGS IN SUPERFUND CONTRACTING.	5/15/81
1-20	Volume 46, No. 96, 5/19/81. THE NCP; DRAFT REVISION; POSTPONEMENT OF MEETINGS, NOTICE OF POSTPONEMENT OF PUBLIC MEETINGS ON THE DRAFT REVISION OF THE NCP	5/19/81
1-21	Volume 47, No. 49, 3/12/82. PROPOSED RULE, HAZARDOUS SUBSTANCES; NATIONAL OIL AND HAZARDOUS POLLUTION CONTINGENCY PLAN.	3/12/82
1-22	Volume 47, No. 60, 3/29/82. EXTENSION OF PUBLIC COMMENT PERIOD FOR PROPOSED RULE. HAZARDOUS SUBSTANCES; NATIONAL OIL AND HAZARDOUS POLLUTION CONTINGENCY PLAN.	3/29/82
1-23	Volume 47, No. 137, 7/16/82. FINAL RULE, HAZARDOUS SUBSTANCES; NATIONAL OIL AND HAZARDOUS POLLUTION CONTINGENCY PLAN.	7/16/82
1-24	Volume 47, No. 238, 12/10/82. National Oil and Hazardous Substances Contingency Plan.	12/10/82

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NCP-2 PUBLIC REQUESTS AND EPA'S RESPONSE

- 2-1 Correspondence Requesting a Timetable for Final NCP Publication.
D. Lennett, K. Hall, Counsel for Environmental Defense Fund, F. Dubrowski and J. Bloom, Counsel for Natural Resources Defense Council to A. Hill, Chairman-Designate Council on Environmental Quality and A. Gorsuch, Administrator, EPA. 6/25/81
- 2-2 EPA's Response to (6/25/81) Correspondence Requesting NCP Publication Timetable.
A. Gorsuch, Administrator, EPA to K. Hall, Counsel for Environmental Defense Fund. Identical Letters Sent to F. Dubrowski and J. Bloom, Counsel for Natural Resources Defense Council; A. Hill, Chairman-Designate Council on Environmental Quality; D. Lennett, Counsel for Environmental Defense Fund (7/21/81). 7/21/81
- 2-3 Correspondence Requesting NCP Information.
Representative J. Florio, Chairman, Subcommittee on Commerce, Transportation and Tourism, Committee on Energy and Commerce, U.S. House of Representatives to A. Gorsuch, Administrator, EPA. 8/28/81
- 2-4 EPA's Response to (8/28/81) Correspondence Requesting NCP Information.
A. Gorsuch, Administrator, EPA to Honorable J. Florio, Chairman, Subcommittee on Commerce, Transportation and Tourism, Committee on Energy and Commerce, U.S. House of Representatives. 9/24/81

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NCP-3 EPA POLICY PAPERS

3-1	Extent of Fund Financed Response.	4/8/81
3-2	Criteria Triggering Response.	4/8/81
3-3	Extent of Remedy: Fund-Financed vs Privately Financed.	no date

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NCP-4 EPA CORRESPONDENCE REQUESTING NCP DRAFT REVIEW

- 4-1 Correspondence Request for NCP Draft Review and Concurrence.
 W. Barber, Acting Administrator, EPA to all National Response
 Team Members. 4/2/81
- 4-2 General Response to 4/2/81 Request for NCP Draft Review and
 Concurrence.
 M. Baldridge, Secretary of Commerce, U.S. Department of
 Commerce to W. Barber, A.A., EPA. 4/6/81
- 4-3 Correspondence Request for NCP Draft Review.
 W. Hedeman, Jr., Director, Office of Emergency and Remedial
 Response, EPA to Whom It May Concern. 12/10/81

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NCP-5 ACTION MEMORANDUM

- 5-1 Draft Memorandum Regarding the Proposal of the Revised NCP.
J. Smith, Acting A.A., to W. Barber, Acting Administrator,
EPA. 4/29/80
- 5-2 Memorandum Regarding Proposal of the Revised NCP. Action
Memorandum.
C. Capper, Acting A.A., Office of Solid Waste and Emergency
Response to EPA Offices. 7/81
- 5-3 RED BORDER Package Concerning Concurrence Action Memorandum
Regarding Proposed Revised National Contingency Plan.
C. Capper, Acting A.A., Office of Solid Waste and Emergency
Response to EPA Offices. 8/6/81
- 5-4 Concurrence Action Memorandum Regarding Proposed Revision of
the NCP.
E. Tuerk, Office of Air, Noise and Radiation to C. Capper,
A.A., Office of Solid Waste and Emergency Response, EPA. 8/7/81
- 5-5 Concurrence Action Memorandum and Comment Regarding Proposed
Revision of the NCP.
A. Janovich, Office of Research and Development to C. Capper,
A.A., Office of Solid Waste and Emergency Response, EPA. 8/10/81
- 5-6 Concurrence Action Memorandum and Comment Regarding Proposed
Revision of the NCP.
S. Schatzow, D.A.A., Office of Water Regulation and Standards
to J. Smith, Acting A.A., Office of Water, EPA. 8/12/81
- 5-7 Concurrence Action Memorandum and Comment Regarding Proposed
Revision of the NCP.
T. Shekells for W. Hedeman, Jr., Director, Office of Federal
Activities to C. Capper, Acting A.A., Office of Solid Waste
and Emergency Response. 8/12/81
- 5-8 Concurrence Action Memorandum and Comment Regarding Proposed
Revision of the NCP.
B. Greene, Acting Director, Office of Regional Liaison to
C. Capper, Acting A.A., Office of Solid Waste and Emergency
Response, EPA. 8/13/81
- 5-9 Concurrence Action Memorandum and Comment Regarding Proposed
Revision of the NCP.
N. Clark, A.A., Office of Policy and Resource Management to
C. Capper, A.A., Office of Solid Waste and Emergency
Response, EPA. 8/18/81

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- 5-10 Concurrence Action Memorandum and Attached Comments
(M. Bracken, Associate A.A., Toxics Integration to
I. Auerbach, Acting Director, Office of Policy Analysis and
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Memorandum.) Regarding Proposed Revision of the NCP.
E. Clark, II, Acting A.A., Office of Pesticides and Toxic
Substances to C. Capper, Acting A.A., Office of Solid Waste
and Emergency Response, EPA. 8/19/81
- 5-11 Concurrence Action Memorandum Regarding Proposed Revision of
the NCP.
J. Todhunter, A.A. Designate, Office of Pesticides and Toxic
Substances to C. Capper, Acting A.A., Office of Solid Waste
and Emergency Response, EPA. 8/19/81
- 5-12 Concurrence Action Memorandum Regarding Proposed Revision of
the NCP.
B. Barrett, Acting A.A., Office of Water to C. Capper, Acting
A.A., Office of Solid Waste and Emergency Response, EPA. 8/20/81
- 5-13 Proposal of Revised National Contingency Plan Action
Memorandum.
C. Capper, Acting A.A., Office of Solid Waste and Emergency
Response to A. Gorsuch, Administrator, EPA. 1981
- 5-14 Concurrence Action Memorandum Regarding Proposed Revision of
the NCP.
D. Stockman, Director, Executive Office of the President,
Office of Management and Budget to A. Gorsuch, Administrator,
EPA. 3/5/82
- 5-15 Action Memorandum Regarding Final NCP.
W. Hedeman, Jr., Director, Office of Emergency and Remedial
Response to A. Gorsuch, Administrator, EPA. 7/8/82
- 5-16 Concurrence Memorandum Regarding the NCP.
D. Stockman, Director, Office of Management and Budget to
A. Gorsuch, Administrator, EPA. 7/12/82
- 5-17 Memorandum Regarding the Proposal of the Revised NCP.
J. Smith, Acting A.A., Office of Water and Waste Management
to W. Barber, Acting Administrator, EPA. no date
- 5-18 Notice of the Effective Date of the National
Contingency Plan (NCP) -- Action Memorandum.
William N. Hedeman, Jr., Director, Office of
Emergency and Remedial Response to Rite M. Lavelle,
Assistant Administrator 12/1/82

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NCP-6 EPA MEETINGS

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6-4	Meeting List of Attendees for (3/20/81) Environmental Quality Committee, National Association of Manufacturers Meeting.	3/20/81
6-5	Meeting Summary of (4/10/81) Meeting on Cooperative Agreements with States Under Superfund and EPA.	4/10/81
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6-12	Meeting Report Regarding the Chemical Manufacturers Association and EPA (8/7/81) Meeting.	8/7/81
6-13	Meeting Notes for Chemical Manufacturers Association and EPA (10/5/81) Meeting.	10/5/81
6-14	List of Business Special Interest Group Participants for (3/16/81) Meeting and List of Environmental Interest Group Participants for (4/15/81) Meeting.	1981
6-15	Meeting Working Notes for Exxon Corp. and EPA NCP Meeting.	3/2/82

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NCP-7 INTERAGENCY QUESTIONNAIRE DEVELOPMENT

7-1	Survey of Follow-up Results of Interagency Respondents.. ICF Incorporated.	12/18/80
7-2	Status Briefing on Federal Capabilities Relevant to the Implementation of Superfund. ICF Incorporated.	1/15/81
7-3	Draft. Report. Federal Capabilities Relevant to the Implementation of Superfund. ICF Incorporated.	1/15/81
7-4	Letter Introducing and Discussing Attached Questionnaire Summaries and Summary Obtained Data. M. Gibbs, ICF Inc., to B. Casper, EPA.	1/26/81
7-5	Briefing on Federal Capabilities Relevant to the Implementation of Superfund. ICF Incorporated.	2/27/81
7-6	Final Draft Report. Federal Capabilities Relevant to Implementation of Superfund. ICF Inc., for Office of Hazardous Emergency Response, EPA.	2/81
7-7	Survey of Capabilities for Responding to Hazardous Waste Emergencies. Form No. 0267-EPA-OT.	no date

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NCP-8 EPA TASK FORCE NATIONAL CONTINGENCY PLAN DEVELOPMENT PAPERS

- 8-1 Memorandum Introducing Attached "Superfund Implementation Strategy Task Force" Papers.
A. Mank, Office of Water and Waste Management to
M. Cook, D.A.A., Office of Hazardous Emergency Response, EPA. 3/4/81
- 8-2 Meeting Minutes for EPA, State and Local Representatives
(3/6/81) Meeting Regarding Superfund Implementation Strategy. 3/12/81
- 8-3 Memorandum Introducing and Discussing Attached (4/10/81)
Draft of Strategy Document.
S. Morekas, Branch Chief, State and Regional Coordination
Branch to All Regional Superfund Coordinators. 4/21/81
- 8-4 Memorandum Concerning Implementation of Superfund.
W. Barber, Administrator to J. Miller, A.A.A., Office of
Planning and Management, J. Smith, A.A.A., Office of Water
and Waste Management, and M. Corash, Director, Office of
General Counsel, EPA. no date